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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/771,431	01/26/2001	Richard Varner	11-00	8048

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GREENLEE WINNER AND SULLIVAN P C  
5370 MANHATTAN CIRCLE  
SUITE 201  
BOULDER, CO 80303

EXAMINER

NOVOSAD, CHRISTOPHER J

ART UNIT	PAPER NUMBER
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3671

13

DATE MAILED: 10/22/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/771,431

Applicant(s)

VARNER ET AL.

Examiner

Christopher J. Novosad

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 11 September 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 43-93 is/are pending in the application.
- 4a) Of the above claim(s) 63,64 and 79-93 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 43-62 and 65-78 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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### **DETAILED ACTION**

Claims 1-42 have been canceled.

#### ***Election/Restrictions***

Applicant's election with traverse of Group I, claims 43-78 and Species II, claims 43-62, 65-89 and 91-93 in Paper No. 12 is acknowledged. Accordingly, claims 63, 64 and 79-93 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to nonelected Inventions and Species, there being no allowable generic or linking claim. The traversal is on the ground(s) that the inventions and species are sufficiently related so that a search of these groups and species would not represent an undue burden on the Office. This is not found persuasive because due to the different classification of the different groups and due to the different areas of search for the different species that would extend into different and diverse fields, it would in fact be a burden on the Office. In any event, Applicants have failed to point out an errors in the Restriction or Species requirements.

The requirement is still deemed proper and is therefore made FINAL.

#### ***Information Disclosure Statement***

The information disclosure statement filed March 29, 2001 (Paper No. 3) fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language.

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Specifically, there is no concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, for the French '502 reference.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 43-62 and 65-78 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The recitation "home" in claim 43, line 3 and in claims 44-47, line 2 is indefinite since it is unclear as to exactly what "home" is supposed to be.

The recitation "at least about" in claim 43, line 3; claims 48-54, lines 1 and 2; claims 56-58, lines 1 and 2; and in claim 67, lines 1 and 2 is indefinite since "at least" sets a minimum standard and "about" blurs this minimum standard.

Similarly, the recitation "more than about" in claims 45-47, line 2 is indefinite since "more than" sets a minimum standard and "about" blurs this minimum standard.

Similarly, the recitation "no more than about" in claim 55, lines 1 and 2 and in claim 78, lines 1 and 2 is indefinite since "no more than" sets a maximum standard and "about" blurs this maximum standard.

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Similarly, the recitation "no greater than about" in claims 59 and 60, lines 1 and 2 is indefinite since "no greater than" sets a maximum standard and "about" blurs this maximum standard.

In claim 66, line 2, the recitation "said ceramic magnet" lacks proper antecedent basis.

✓ The recitation "the other of said magnetic assembly or said circular face" in line 3 of claims 70 and 71 lacks proper antecedent basis.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 43-60, 71-73, 77 and 78 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vigne alone.

Note the magnetic assembly 22 (Fig. 5) and the attracted material 14.

Claims 43-60 and 78 distinguish over Vigne in requiring the specific distances recited therein at which the magnetic assembly begins to seek home from the form, in requiring specific gaussses of the depth-of-pull of the magnetic assembly, and in requiring a specific on-contact strength of the magnetic assembly.

These specific distances at which the magnetic assembly begins to seek home from the form, specific gaussses of the depth-of-pull of the magnetic assembly, and specific on-contact strength of the magnetic assembly merely represent obvious choices in engineering design to one

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of ordinary skill in the art at the time the invention was made for optimum connector performance and for optimum user convenience of the members of the form.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have utilized the specific distances, gaussses and on-contact strengths noted above in the form of Vigne for the reasons noted.

Claims 43-62, 68-75, 77 and 78 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gabrelli alone.

Note the magnetic members 5,10.

With respect to claim 68, note flange 17 or 7.

Regarding claims 74 and 75, note pin 17 or 7.

Claims 43-60 and 78 distinguish over Gabrelli in requiring the specific distances recited therein at which the magnetic assembly begins to seek home from the form, in requiring specific gaussses of the depth-of-pull of the magnetic assembly, and in requiring a specific on-contact strength of the magnetic assembly.

These specific distances at which the magnetic assembly begins to seek home from the form, specific gaussses of the depth-of-pull of the magnetic assembly, and specific on-contact strength of the magnetic assembly merely represent obvious choices in engineering design to one of ordinary skill in the art at the time the invention was made for optimum connector performance and for optimum user convenience of the members of the form.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have utilized the specific distances, gaussses and on-contact strengths noted above in the form of Gabrelli for the reasons noted.

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Claims 43-61, 71-73, 77 and 78 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sato alone.

Note the magnetic assembly 4 and the attracted material 13.

Claims 43-60 and 78 distinguish over Sato in requiring the specific distances recited therein at which the magnetic assembly begins to seek home from the form, in requiring specific gaussses of the depth-of-pull of the magnetic assembly, and in requiring a specific on-contact strength of the magnetic assembly.

These specific distances at which the magnetic assembly begins to seek home from the form, specific gaussses of the depth-of-pull of the magnetic assembly, and specific on-contact strength of the magnetic assembly merely represent obvious choices in engineering design to one of ordinary skill in the art at the time the invention was made for optimum connector performance and for optimum user convenience of the members of the form.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have utilized the specific distances, gaussses and on-contact strengths noted above in the form of Sato for the reasons noted.

Claims 43-62, 68-75, 77 and 78 are rejected under 35 U.S.C. 103(a) as being unpatentable over Teagarden alone.

With respect to claims 68 and 69, note flange 3b.

Regarding claims 74 and 75, note pin 3b.

Claims 43-60 and 78 distinguish over Teagarden in requiring the specific distances recited therein at which the magnetic assembly begins to seek home from the form, in requiring

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specific gaussses of the depth-of-pull of the magnetic assembly, and in requiring a specific on-contact strength of the magnetic assembly.

These specific distances at which the magnetic assembly begins to seek home from the form, specific gaussses of the depth-of-pull of the magnetic assembly, and specific on-contact strength of the magnetic assembly merely represent obvious choices in engineering design to one of ordinary skill in the art at the time the invention was made for optimum connector performance and for optimum user convenience of the members of the form.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have utilized the specific distances, gaussses and on-contact strengths noted above in the form of Teagarden for the reasons noted.

Claims 43-62 and 68-78 are rejected under 35 U.S.C. 103(a) as being unpatentable over Osmond alone.

With respect to claims 68 and 69, note flange 22 (Figs. 2-4).

Regarding claims 74 and 75, note pin 22 (Figs. 2-4).

Claims 43-60 and 78 distinguish over Osmond in requiring the specific distances recited therein at which the magnetic assembly begins to seek home from the form, in requiring specific gaussses of the depth-of-pull of the magnetic assembly, and in requiring a specific on-contact strength of the magnetic assembly.

These specific distances at which the magnetic assembly begins to seek home from the form, specific gaussses of the depth-of-pull of the magnetic assembly, and specific on-contact strength of the magnetic assembly merely represent obvious choices in engineering design to one



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of ordinary skill in the art at the time the invention was made for optimum connector performance and for optimum user convenience of the members of the form.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have utilized the specific distances, gaussses and on-contact strengths noted above in the form of Osmond for the reasons noted.

Claims 43-62 and 68-78 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hunter alone.

With respect to claim 68, note flange 16.

Regarding claims 74 and 75, note pin 16.

Claims 43-60 and 78 distinguish over Hunter in requiring the specific distances recited therein at which the magnetic assembly begins to seek home from the form, in requiring specific gaussses of the depth-of-pull of the magnetic assembly, and in requiring a specific on-contact strength of the magnetic assembly.

These specific distances at which the magnetic assembly begins to seek home from the form, specific gaussses of the depth-of-pull of the magnetic assembly, and specific on-contact strength of the magnetic assembly merely represent obvious choices in engineering design to one of ordinary skill in the art at the time the invention was made for optimum connector performance and for optimum user convenience of the members of the form.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have utilized the specific distances, gaussses and on-contact strengths noted above in the form of Hunter for the reasons noted.

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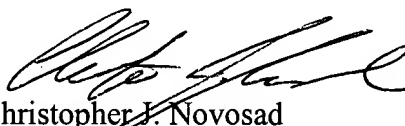
*Allowable Subject Matter*

Claims 65-67 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher J. Novosad whose telephone number is 703-308-2246. The examiner can normally be reached on Monday-Thursday 5:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Will can be reached at 703-308-3870. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3597 for regular communications and 703-305-3597 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1020.

  
Christopher J. Novosad  
Primary Examiner  
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October 21, 2002